

Before the  
**Federal Communications Commission**  
Washington DC 20554

|   |   |          |
|---|---|----------|
| In the Matter of                        | ) |          |
|   | ) |          |
| Proliferation of Programmable Radios on | ) | RM-10681 |
| Unauthorized Frequencies in Various     | ) |          |
| Other Radio Services Under Commission   | ) |          |
| Regulation                              | ) |          |

**PARTIAL OPPOSITION TO PETITION FOR RULEMAKING**

Vanu, Inc. hereby opposes the above-captioned Petition for Rulemaking to the extent set out below. Vanu is a developer of software for software defined radio systems.

The Petition claims there is a proliferation of radios programmed to operate on frequencies for which the user is not authorized. It proposes a rule under which persons programming radios at specified frequencies would be required to hold a commercial radio operators license.<sup>1</sup>

Vanu takes no position on whether the problem identified in the Petition is severe enough to require regulatory action, or whether the problem exists at all. Vanu likewise takes no position on whether Petitioner's proposed remedy would solve the problem, if any.

Vanu's sole interest is to note that any action taken in response to the Petition should exclude software-defined radios. Because software-defined radios (including cognitive radios) are programmable to operate on various frequencies (among other characteristics), they may arguably come within the Petition's scope. But the Commission recently promulgated rules

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<sup>1</sup> The Petition specifies 29.705-49.995 MHz, 72-76 MHz, 140-220 MHz , and 400-1,800 MHz, and suggests the list be expanded as needed. Petition at 2.

specifically to regulate the programming of software-defined radios.<sup>2</sup> The additional layer of regulation sought in the Petition would be duplicative and unnecessary, and as such would represent a burden with no benefit.

In short, if the Commission proceeds with a Notice of Proposed Rulemaking in this matter, the scope should expressly exclude software-defined radios.

Respectfully submitted,

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April 18, 2003

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<sup>2</sup> 47 C.F.R. Sec. 2.1043(b)(3). *See Authorization and Use of Software Defined Radios*, 16 FCC Rcd 17373 (2001).

### CERTIFICATE OF SERVICE

I, Deborah N. Lunt, a secretary with the law firm of Fletcher, Heald & Hildreth, PLC, hereby certify that a true copy of the foregoing "Opposition to Petitions for Rule Making" was sent this 18th day of April, 2003, by U.S. mail, postage prepaid (except as noted) to:

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\* By Email & Hand Delivery